

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOHN C. TURNER**

**PETITIONER**

**v.**

**CIVIL ACTION NO. 1:22-CV-250-TBM-FKB**

**BURL CAIN, *South Mississippi Corrections***

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**


This matter is before the Court on the submission of the Report and Recommendation [14] entered by United States Magistrate Judge Keith Ball on April 26, 2023. Judge Ball recommends dismissing John C. Turner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 with prejudice as untimely. Within the Report and Recommendation, Judge Ball explained that Turner failed to establish any basis for tolling, or any other exception to the statute of limitations set forth in the Anti-Terrorism and Effective Death Penalty Act of 1996. Turner has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (“When a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Ball’s Report and Recommendation, the Court finds neither is it clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that [14] entered by United States Magistrate Judge Keith Ball on April 26, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that John C. Turner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is DISMISSED WITH PREJUDICE.

THIS, the 27th day of June, 2023.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE